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UNCLAS SECTION 01 OF 04 SANTO DOMINGO 000594

SIPDIS

STATE FOR INL/C, INL/LP, INR/IAA, PM/PPA, PRM/ENA, WHA/PPC,  
AND WHA/CAR  
JUSTICE FOR OIA, AFMLS, AND NDDS  
JUSTICE PLEASE PASS U.S. ATTORNEY SAN JUAN  
TREASURY FOR FINCEN  
DEA FOR OFI/MARRERO

E.O. 12958: N/A

TAGS: [SNAR](#) [SMIG](#) [KJUS](#) [EWWT](#) [DR](#)

SUBJECT: DOMINICAN ILLEGALS: USDOJ AND USCG ACTION REQUEST

REF: A. IIR 6 827 0090 03

[B](#). 03 SANTO DOMINGO 5691

[C](#). IIR 6 827 0009 04

[D](#). IIR 6 827 0021 04

[E](#). 03 SANTO DOMINGO 7304

[1](#). SUMMARY AND ACTION REQUEST: This interagency message presents the unified views of cognizant agencies at Embassy Santo Domingo on the current surge of illegal migrant travel from the Dominican Republic to Puerto Rico. Present efforts by Dominican and American officials are inadequate to counteract this trend. In Embassy's view, the only sure way to stem the migrant flow is to provide negative consequences for the smugglers. FOR U.S. DEPARTMENT OF JUSTICE: Embassy strongly urges that the U.S. Attorney's office in San Juan give immediate high priority to prosecution of immigrant smuggling cases. FOR U.S. COAST GUARD: Embassy requests that Coast Guard cutters assigned to the Mona Passage be equipped with the IDENT system or similar gear. See Comment, paras. 12-14, for rationale.

#### BACKGROUND

[2](#). A significant surge in illegal emigration from the Dominican Republic followed the end of the 2003-04 holiday period. The plunging peso and soaring prices for food, fuel, and other necessities have driven many families to entrust one or more members to the perils of the Mona Passage to Puerto Rico. Embassy estimates from reports and field visits that five to ten rickety homebuilt vessels (yolas) are leaving Dominican beaches on any given night in January 2004, each carrying between 30 and 100 passengers. During a recent two-day period, American authorities intercepted five yolas in the Mona and discovered eight more abandoned on Puerto Rican shores.

[3](#). Interviews with intercepted migrants indicate that recently proposed changes in U.S. immigration law, which would permit some illegal immigrants to regularize their work status, may have contributed to the current surge. Migrant smugglers usually exploit rumors of changes in U.S. immigration law to persuade potential customers that the time is right to emigrate.

#### THE GROWING PROBLEM

[4](#). Measuring a clandestine migrant population is always a challenge. However, indications are that the best combined efforts of American and Dominican authorities are intercepting about half the illegal migration traffic headed toward Puerto Rico. Extrapolation from recent (and possibly optimistic) U.S. Coast Guard estimates places the January 2004 projected total flow at about 2500 migrants, of which perhaps 1000 will land and not be apprehended. NOTE: "Total flow" as defined by the Coast Guard includes 1) Coast Guard interdictions, 2) other U.S. law enforcement agency interdictions (Border Patrol, ICE), 3) other country (e.g. Bahamas) interdictions, 4) successful landings. This "floor" figure does not include 1) migrants who perish at sea, 2) successful landings we never learn about. The "total flow" number permits year-to-year comparisons but does not reflect total migration attempts. END NOTE.

[5](#). In December 2003, a more typical month, Dominican Navy Intelligence reported arrests of 241 nationals, 30 foreigners, five yola captains, and five trip organizers, plus 173 illegals received from the U.S. Coast Guard, for a total of 454 persons and 33 vessels intercepted. During all of 2003, the Dominican Navy seized 421 vessels and detained 5,096 persons. Virtually all of those persons were quickly released, due to lack of judicial and political interest in these cases, the perception of victimless crime, and the fact that trip organizers and captains are rarely identified by their passengers. Several migrant smugglers have been detained for several months by Dominican authorities, but none has been convicted. Those few migrants possibly willing to testify against the smugglers are often silenced by

threats or promises of another voyage for free before the matter can be fully investigated, and Dominican legal sanctions for smuggling are few when drugs are not involved.

16. U.S. Coast Guard officers report that an increasing number of voyagers are paying for their trips by carrying drugs. Evidence of such activity is difficult to gather in the confusion of a chase at sea, but ion scans of some yolas have shown presence of drug residue. Another trend is that Coast Guard boarding parties are now encountering refusals to stop and even thrown rocks, brought on board for that purpose. High-powered boats from Puerto Rico also offer clandestine ferry service for high-paying illegal migrants, typically detouring far north of the Mona to evade the Coast Guard and landing their passengers east of San Juan.

17. Most of the Dominican yola passengers, typically between 18 and 40 years of age, have paid a few hundred to a thousand dollars for their voyage. A few of those are gang members previously deported from the U.S. after serving their jail terms. Once a boatload reaches a Puerto Rican beach, the occupants scatter, making interdiction difficult. Cubans, assured of an asylum hearing once their feet touch American soil, pay about three times the Dominican price for their voyage. Some migrants, unable to pay the fees up front, work off their debts in various unpleasant ways, including prostitution and gang membership. Exotic aliens, such as Chinese, may have paid up to ten times the Cuban price. The diversity of nationalities using routes through the Dominican Republic raises concern that terrorist organizations may do the same. Highly sophisticated smuggling rings offer their services to those who can pay their fat fees. Regardless of their motives and ability to pay, the ultimate destination of nearly all intending migrants is the United States. And of those intercepted en route, a large percentage try again, and again, until they succeed.

#### DOMINICAN COUNTERMEASURES

18. The Dominican Navy is America's best ally in the fight against illegal migrant traffic. The Navy routinely disrupts yola departures along the nation's beaches, at an average rate of 35 per month during 2003. Shore patrols from the Navy's many coastal outposts are credited with most of the successful interceptions. The Navy shore patrols also seize fuel, motors, and other equipment necessary to a successful crossing. The poorly educated men who serve in the run-down coastal stations, built around the island at twenty-kilometer intervals during the Trujillo period, are underpaid and, these days, often unpaid. They typically live without electricity or proper sanitation, preparing their rice and beans over a back yard fire when there is no gas for the stove. They patrol on foot at night for lack of motorized transport, usually with only a shotgun to enforce a squad's authority.

19. The Dominican Navy has assisted U.S. Coast Guard cutters by ferrying intercepted migrants back to the Dominican Republic. The Navy normally operates on a shoestring budget, further pinched at present by the government's dire economic situation, and fuel for such operations is scarce. At the present moment, NAS and MAAG have arranged to pay for fuel and rations in support of Operation Congri, in which Dominican patrol craft are patrolling the Mona Passage in rotation, under U.S. Coast Guard operational control. As NAS funds are not normally spent on fuel for military operations of other nations, Dominican cooperation in this operation will be limited to two weeks. During the first week of Operation Congri, just completed, a Dominican patrol ship intercepted two yolas and repatriated the passengers, saving the U.S. cutter on the Mona station a lengthy detour to La Romana.

110. The Dominican Government has assisted with the illegal migration problem in other ways. In May 2003 the Embassy team negotiated the signing of a landmark agreement for maritime migration enforcement, the first of its kind in the region. In that agreement the Dominican Government allowed overflight and immediate repatriation of migrants caught at sea, including third party nationals. Without that agreement, the current difficulties of the U.S. Coast Guard and Border Patrol would be multiplied.

#### EMBASSY COUNTERMEASURES

11. During 2003, Embassy Santo Domingo provided the Dominican Navy with three new Zodiac patrol boats and equipped the Trafficking In Persons unit of the National Police with computers to keep track of their cases. As discussed above, Embassy is currently providing fuel and rations for Dominican participation with the U.S. Coast Guard in Operation Congri. To help meet the challenge of the current migration surge, the Embassy will soon co-sponsor with Dominican civil society, the private sector, and

international organizations an intensive public information campaign emphasizing the hazards of yola travel, the untrustworthy nature of smugglers, and the difficulties of life as an illegal immigrant in the United States. To supplement meager Dominican detection resources, the Embassy will request Coast Guard consideration of assigning additional resources to the Mona as well as temporary use of the C-26 aerial sensing platform based in Barbados. However, none of these efforts is expected to slow the flow of intending migrants in any dramatic measure.

COMMENT

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¶12. Embassy's considered view is that the only sure way to stem the migrant flow is to provide negative consequences for the smugglers. While there are Dominican laws against human smuggling, the Dominican justice system is either unwilling or unable to enforce them. American law provides penalties, but to Embassy's knowledge, no maritime migrant smuggler has been convicted in Puerto Rico in recent history. The difficulties of obtaining evidence and ensuring testimony make such cases far more troublesome to prosecute than drug smuggling cases. However, no migrant smuggler has reason at this point to fear the consequences of his actions. Until such consequences are vigorously applied in the U.S., the flow of human contraband across the Mona Passage will continue. The USG rightly continues to threaten the Dominican Republic with Category 3 Trafficking In Persons status, but the absence of USG convictions for migrant smuggling seems to undermine that threat.

¶13. Negative consequences must also extend to the migrants themselves. Embassy understands there are plans to place IDENT fingerprinting and photography systems on Coast Guard cutters in the Mona Passage. Such systems could defeat the false identities typically offered by detained migrants and could provide useful information to consular sections receiving applications from former would-be illegals. IDENT could also help identify repeat offenders and aid investigations and intelligence activities.

¶14. Embassy has the impression that interagency coordination in Puerto Rico to date has not resulted in maritime migrant smuggling convictions. We believe that the only effective way to plug this hole in our homeland security is to implement consequences for migrant smugglers and their passengers in the United States. To achieve these ends, Embassy offers full cooperation and all appropriate support within its resources.

HERTELL